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HOUSE BILL 788

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Gloria C. Vaughn

AN ACT

RELATING TO ELECTIONS; PROHIBITING UNAUTHORIZED REMOVAL OR
DEFACING OF ELECTION SIGNS; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. CAMPAIGN SIGNS--UNAUTHORIZED REMOVAL OR
DEFACING--PENALTIES.--

A. No person shall in any manner without
authorization knowingly or intentionally deface, alter, mar,
mutilate, obliterate, injure, detach, remove or in any way
destroy a campaign sign unless such action takes place more
that ten days following the election to which the campaign sign
relates.

B. As used in this section:

(1) "authorization" means the written
permission of:

.176447.1

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 (a) the owner of the property upon which
2 the campaign sign is situated;

3 (b) the candidate on whose behalf the
4 campaign sign has been situated; or

5 (c) the sponsor or person responsible
6 for the siting of the campaign sign;

7 (2) "ballot measure" means a contested
8 election other than the election of an individual for federal,
9 state, regional or local political office, and "ballot measure"
10 includes constitutional amendments and referenda; and

11 (3) "campaign sign" means any poster, sign,
12 bumper sticker or other visual device advocating for or against
13 an election candidate or ballot measure.

14 C. A person who violates the provisions of
15 Subsection A of this section is, upon conviction for a first
16 offense, guilty of a petty misdemeanor and shall be sentenced
17 pursuant to the provisions of Section 31-19-1 NMSA 1978. A
18 person who violates the provisions of Subsection A of this
19 section is, upon conviction for a second or subsequent offense,
20 guilty of a misdemeanor and shall be sentenced pursuant to the
21 provisions of Section 31-19-1 NMSA 1978.